

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

QUENTIN C. WARD,

Plaintiff,

v.

LESLIE A. FARRELL, PAUL L.
TIFFIN, PATRICIA D. MCMAHON,
GREGORY NOWAKOSKI, WILLIAM
HEROLD, CYNTHIA A. LOZANO,
PATRICIA A. KRAUS, and DEAN B.
ZEMEL,

Defendants.

Case No. 19-CV-82-JPS

ORDER

On January 17, 2019, Magistrate William E. Duffin denied Plaintiff's motion to proceed *in forma pauperis*. (Docket #4). Magistrate Duffin correctly determined that Plaintiff is ineligible to proceed *in forma pauperis* because Plaintiff is barred by the "three strikes" provision. *Id.* This provision states that if a prisoner has previously filed three lawsuits that were dismissed for being unmeritorious, frivolous, or malicious then he is no longer eligible to proceed *in forma pauperis* unless he is "under imminent danger of serious physical injury," which Magistrate Duffin determined that Plaintiff was not. 15 U.S.C. 1915(g); (Docket #4). Accordingly, Magistrate Duffin allowed Plaintiff twenty-one days to pay the full filing fee, and noted that if he failed to pay by February 8, 2019, the action would be dismissed. *Id.*

On January 17, 2019, Plaintiff filed a motion to change venue and clarify that he is not subject to the Prison Litigation Reform Act because he will no longer be in custody on March 19, 2019, and therefore does not need

to submit prisoner trust account statements. (Docket #6). This is irrelevant. Plaintiff has incurred three strikes for filing unmeritorious, malicious, or frivolous lawsuits while in prison. Therefore, he is no longer eligible to proceed *in forma pauperis*, and must pay the \$400.00 filing fee.

This Court allowed Plaintiff an additional week to submit payment. Having received no further communication, the Court is constrained to dismiss the case without prejudice, and deny the motion to transfer and clarify as moot.

Accordingly,

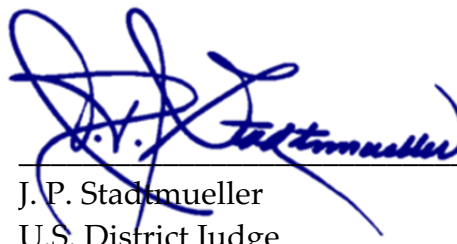
IT IS ORDERED that Plaintiff's motion to change venue and clarify (Docket #6) be and the same is hereby **DENIED as moot**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED without prejudice**.

The Clerk of Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 19th day of February, 2019.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J. P. Stadtmueller", is written over a horizontal line. The signature is stylized and cursive.

J. P. Stadtmueller
U.S. District Judge